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UNITED STATES DISTRICT COURT

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| In Re: Cobalis DEBTOR(S) | DISTRICT COURT CASE NUMBER SACV11-00556 JST |
| Montenegrex v. YA Global Investors, L.P., et al APPELLANT(S) APPELLEE(S) | BANKRUPTCY COURT CASE NUMBER 8:07-bk-12347-TA ADVERSARY CASE NUMBER NOTICE REGARDING APPEAL FROM BANKRUPTCY COURT |

Because one of the parties has so requested, this appeal from the Bankruptcy Court will be heard in, and determined by, the United States District Court, Central District of California. The District Court has assigned to the appeal the case number shown above. Hereafter, *this District Court case number* **must** appear on all documents filed in this appeal, along with the Bankruptcy Court case number(s) and adversary case number(s) (if any) shown above.

The appeal has been assigned to United States District Judge Josephine S. Tucker, whose initials appear at the end of the District Court case number. Be advised that pursuant to Local Rule 83-1.3.1, parties are **required** to notify the Court of any cases previously filed with the District Court that appear to be related to this bankruptcy appeal.

Appellant is ORDERED to **immediately** file in the District Court Clerk's Office two complete copies of the order or judgment being appealed from, together with any written findings of fact and conclusions of law and opinions supporting said order or judgment. These documents must be filed in the District Court even if they were previously filed with the Bankruptcy Appellate Panel.

Each party must comply with all applicable rules of the Federal Rules of Bankruptcy Procedure. As provided in said rules, within fourteen days after filing the notice of appeal, appellant **must** file the following:

- A designation of record
- A statement of issues on appeal
- A notice regarding the ordering of transcripts.

Each of the above documents must be filed with the Clerk of the Bankruptcy Court, with an original and two copies, and not with the Clerk of the District Court. Also, if appellee desires to designate further portions of the record, appellee must file in the Bankruptcy Court within fourteen days after service of appellant's designation a supplemental designation of record, supplemental statement of issues, and/or a notice regarding additional transcripts. Each counsel will include the designated excerpts of the record and all transcripts previously ordered by said counsel as an appendix to his or her brief(s).

Please note that neither party may include or make reference to any excerpts of record other than those which have been properly and timely designated. The District Court, in the appeal, will review and consider only those documents in the case file that the parties have designated and thereafter reproduced. The District Court, in hearing and deciding the appeal, may request the entire original case file from the Bankruptcy Court but this rarely happens.

Under Federal Rule of Bankruptcy Procedure 8007(a), the court reporter/recorder, is required to file all transcripts ordered by either side within 30 days of the order (**with payment tendered in advance**) unless an extension has been granted.

The failure of either party to comply with time requirements as stated in this notice and applicable rules may result in the dismissal of the appeal or the right to oppose the appeal.

After the designated record is complete, the Clerk of the Bankruptcy Court will certify its completion by sending a Certificate of Readiness to the Clerk of the District Court. The latter will then issue the briefing schedule which will specify time deadlines for the filing of briefs. Only the District Court may grant a request for an extension of time in the briefing schedule. Any such request must be filed well in advance of the due date and must specify good cause for the requested extension.

Once briefing is complete, the Courtroom Deputy Clerk of the assigned District Judge will advise parties of the date for oral argument, unless the District Judge determines that oral argument is not needed.

Clerk, U. S. District Court

By Dodjie Lagman
Deputy Clerk

cc: U.S. District Judge
U.S. Bankruptcy Judge
Clerk, U.S. Bankruptcy Court
Clerk, Bankruptcy Appellate Panel
Re: BAP Case No.: _____